

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

WILEY ZACHARY CARROLL

PETITIONER

v.

No. 3:22CV73-MPM-RP

STATE OF MISSISSIPPI

RESPONDENT

Consolidated With

WILEY ZACHARY CARROLL

PETITIONER

v.

No. 3:22CV149-MPM-RP

BURL CAIN, Commissioner

RESPONDENT

**ORDER DISMISSING AS MOOT PETITIONER’S MOTION [18] TO CLARIFY;
DISMISSING AS MOOT PETITIONER’S MOTION [19] FOR DEFAULT JUDGMENT**

This matter comes before the court on the motion [18] by the petitioner to clarify the deadline for the State to respond to the petition in this now-consolidated *habeas corpus* action. The court will also consider the petitioner’s motion [19] for default judgment, as the two are related.

The petitioner’s Motion to Clarify and Motion for Default Judgment are based upon the same mistaken premise – that the State did not respond to the petition by the deadline of August 14, 2022, set in the court’s Scheduling Order. In his Motion to Clarify the petitioner inquires whether the August 14, 2022, deadline was still in force; in his Motion for Default Judgment, he seeks judgment in his favor because he believes that the State had not met that deadline. However, the State filed its Motion to Dismiss the instant petition on August 12, 2022 – two days before the expiration of the deadline. As the State has met the deadline, the petitioner’s two motions [18], [19] are **DISMISSED** as moot.

SO ORDERED, this, the 21st day of February, 2023.

/s/ Michael P. Mills
SENIOR U.S. DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI